

No. X06-UWY-CV15-6050025-S	:	SUPERIOR COURT
	:	
DONNA L. SOTO, ADMINISTRATRIX OF	:	COMPLEX LITIGATION DOCKET
THE ESTATE OF VICTORIA L. SOTO, ET AL.	:	
	:	AT WATERBURY
V.	:	
	:	
BUSHMASTER FIREARMS	:	
INTERNATIONAL, LLC, ET AL.	:	JULY 30, 2021

DEFENDANTS' POSITION REGARDING ENTRY NO. 340

At the status conference on July 26, 2021, the Court requested that Defendants Remington Arms Company, LLC and Remington Outdoor Company, Inc. (collectively, "Remington") state their position as to whether Entry No. 340, Plaintiffs' July 26, 2021 Notice of Claim for Adjudication relating to RFP 17, is ready for adjudication at this time, without making any argument.

Remington submits that Entry No. 340 is not ready for adjudication because it is incomplete, premature, and fails to make clear the relief requested. Entry No. 340 is incomplete in two respects: 1) it does not contain a June 5, 2016 e-mail from Plaintiffs' counsel, attached as Exhibit A (Remington has highlighted the portion of that e-mail relating to RFP 17); and, 2) counsel's affidavit does not mention at least one issue raised during the July 23, 2021 meet and confer. Remington submits that briefing would be of assistance to the Court with respect to the issues. Remington has outlined some of the most salient issues in its July 21, 2021 letter, which is attached to Entry No. 340 at Exhibit B, beginning at pdf page 52.

DEFENDANTS REMINGTON ARMS
COMPANY LLC AND REMINGTON
OUTDOOR COMPANY, INC.

By: /s/ James H. Rotondo

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CERTIFICATION OF SERVICE

This is to certify that a copy of the foregoing has been e-mailed this day to all counsel of record as follows:

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/s/ James H. Rotondo

James H. Rotondo

EXHIBIT A

From: James Vogts <jvogts@smbtrials.com>
Sent: Sunday, June 5, 2016 6:27 PM
To: 'Andrew Lothson'
Subject: Fwd: Soto June 2 Meet and Confer Summary

Sent from my iPhone

Begin forwarded message:

From: "Alinor C. Sterling" <ASterling@koskoff.com>
Date: June 5, 2016 at 5:06:57 PM CDT
To: James Vogts <jvogts@smbtrials.com>, Scott Harrington <SHarrington@dmoc.com>
Cc: "Josh D. Koskoff" <JKoskoff@koskoff.com>, Katie Mesner-Hage <KHage@koskoff.com>
Subject: Soto June 2 Meet and Confer Summary

Jim and Scott,

This email summarizes our June 2 meet and confer concerning discovery issues.

Page Limit for Reply Brief: You asked us for a position concerning your intention to file a 27-page reply brief, and we indicated we would get back to you quickly. (I've given you our position at the end of this email.)

(2) Depositions currently noticed for July 6 & 8: Jim is available these dates; he will check with deponents and let us know by June 10.

- (3) PMK planned for July 13: We will send a different designee notice and will continue to try to use the date. Jim will let us know his position upon receipt of the notice.

Production Protocol addressing ESI and other production issues: We emailed our proposal earlier in the day. This was not in time for a substantive discussion today although there is general agreement that a production protocol would be useful and should be implemented. Jim will send his counterproposals to the Production Protocol by June 15.

Both Remington and plaintiffs agreed that it would make sense to include in the Production Protocol a definition of AR-15, which will then govern all discovery requests. Plaintiffs had already circulated a proposed definition earlier in the day. Jim will discuss that definition with his client and let us know by Monday, June 6 by email whether that definition is acceptable.

Protective Order: Jim circulated a proposed protective order. We will review the proposal and respond by Monday, June 6.

When Production Starts: Production is to begin June 13. Jim raised that he does not intend to produce proprietary information in the absence of a protective order. We discussed but did not resolve that the intention to adopt a Production Protocol could also impact when production begins. Plaintiffs were to provide Jim with further thoughts on our position by Monday.

Remington's May 16 Objections to Plaintiffs' RFPs:

#1, 3 – **As between Remington Entities:** Remington will produce documents demonstrating the relationship between corporate entities; plaintiffs will review and revisit the issue if necessary. As between Remington and Camfour: Remington will produce documents concerning rebates, financial incentives, co-marketing and other such documents/agreements. Plaintiffs agreed to limit the time frame of these interrogatories to **from 1/1/06 to 12/14/12**, without prejudice to seeking information from the later time frame by a later, separate interrogatory. Plaintiffs agreed that Remington need not produce purchase orders and receipts, with the exception of those for the firearm in issue. We will agree on a format for documenting the agreed on limitations to RFPs such as these, although we did not decide exactly how to do that.

#2, 4, 6, 20, 21, 22 – Not in issue

#5 – Remington objects on the basis of over breadth, with a concern that this RFP will capture all sales transactions between Remington and Camfour. We will propose a narrower request.

#7, 8, 9, 10, 11, 13, 14, 15, 16 – Agreement on the definition on “AR-15” would resolve Remington's objections to all of these RFPs. Jim will let us know whether we have agreement on Monday.

#12 Plaintiffs are not claiming this RFP at this time

#17 – We clarified that this Request refers only to documents within Remington's possession and control and does not require them to do research. Remington still claims the RFP is overbroad and unduly burdensome. It may be that the burden on Remington can be addressed or reduced by an agreement on search terms, which we would reach in the context of a discussion of the Production Protocol. We will therefore defer discussion of this RFP to our discussion regarding the Protocol.

#18 – Remington will withdraw its objection.

#19 – Remington's objection goes to manufacturing documents specifically. We indicated that while we may not require all documents pertaining to the XM15-E2S's manufacture, we do require information concerning what component parts went into this firearm, where they were sourced, and where and how they were assembled. Jim will look into what documents are responsive to these particular concerns and respond by June 13.

If you disagree with my summary of our discussion or if anything should be added, please let me know.

Position regarding Reply Extension: A 27 page reply is likely to raise more issues than can be dealt with orally. We would consent to an extension to 27 pages if you consent to us filing a surreply. If you don't consent to that, we would agree to a shorter extension (5 pages).

Sincerely,
Alinor